

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAN AMERICAN AIRWAYS CORP.,

Plaintiff/Counter-Defendant

v.

ROBERT E. BARNES

Defendant/Counter-Plaintiff

Case No. 04-CV-10515JLT

**MOTION FOR PARTIAL SUMMARY JUDGMENT ON COUNTS I AND II OF
PLAINTIFF'S SECOND AMENDED COMPLAINT.**

NOW COMES Defendant, Robert E. Barnes, by and through his attorney, and hereby moves this Court, pursuant to Fed. R. Civ. P. 56(c) and Local Rule 56.1, to grant summary judgment for the Defendant on Counts I and II of Plaintiff's second amended complaint.

This motion is supported by Defendant's Memorandum of Law and Defendant's Statement of Undisputed Facts.

Pursuant to Local Rule 7.1(A)(2), counsel hereby certifies that he and counsel for the Plaintiff have conferred and attempted in good faith to resolve or narrow the issue.

Respectfully submitted,

Dated: September 20, 2005

A handwritten signature in black ink that reads "Peter Piel". The signature is written in a cursive style with a horizontal line underneath it.

Peter Piel
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